

Packet 9

Order to Show Cause (Contempt of Court)

Forms and Procedures

For Wyoming

2025

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IMPORTANT NOTE: Make sure you are using the most recent packet. You can visit the Wyoming Judicial Branch website (<https://www.wyocourts.gov/>) or ask the Clerk of District Court to find out if this is the current packet.

LIST OF FORMS – PACKET 9
ORDER TO SHOW CAUSE (CONTEMPT OF COURT)

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INSTRUCTIONS TO REQUEST AN ORDER TO SHOW CAUSE

Use this packet if you need the court to enforce a previous order because the other party is not following it. This process asks the court to hold the other party in contempt for not obeying the order.

Before filling out the forms, read the instructions carefully to make sure you qualify to request an Order to Show Cause from the court.

Step 1: Getting Started

If the other party has knowingly and intentionally failed to follow a court order, you may be able to ask the court to hold them in contempt. To do this, you will need to complete and file the following forms:

1. **Motion and Affidavit for Order to Show Cause:** This form is used to explain how the other party has violated a court order and to request that the Court take action.
Note: You will need to attach a copy of your prior court order that you want to enforce.
2. **Order to Show Cause:** This form, if signed by the judge, orders the other party to appear in court and explain why they should not be held in contempt.

Make sure to complete each form completely and accurately. You must also attach a copy of the court order you are asking the court to enforce. If you don't have a copy, you can get one from the Clerk of District Court for a small fee.

Step 2: File your documents

Documents to Complete:

1. **Complete the Motion and Affidavit for Order to Show Cause:** This form is used to explain to the Court how the other party has violated a previous court order and to request that the Court take action. Be **as specific as possible** when describing how the other party has failed to follow the order. Provide details, including dates, actions (or lack of actions), and any relevant evidence.

NOTE: Enter the names of both parties in the Plaintiff/Petitioner and Defendant/Respondent sections as they appear on the Order you are seeking to enforce.

NOTE: Do not sign the **Motion and Affidavit for Order to Show Cause** until you are in front of the Clerk of Court or a Notary. The Clerk or the Notary must witness you signing the form. Since each Clerk's office has its own rules, check with them first to see if they can notarize your signature before looking for a notary public elsewhere.

2. **Complete the Order to Show Cause:** This form, if signed by the judge, requires the other party to appear in court and explain why they should not be held in contempt. To complete it, start by filling in the county where the case was filed, the Judicial District, and the case

number, which can be found on your previous court order. Next, enter the names of both parties in the Plaintiff/Petitioner and Defendant/Respondent sections as they appear on the Order you are seeking to enforce.

In the "To:" section, write the other party's name along with their current physical address, as this is where they will be served with the court documents. On page 3, complete the caption for the Return of Service section just as you did on the first page. Leave the rest of the Return of Service section blank, as it is for the person delivering the documents to complete after serving the other party.

The Court will fill out the remaining sections of the form if the judge decides to issue the Order to Show Cause.

Number of Copies:

Take the original and two copies of each document to the Clerk's office. The Clerk will stamp all the copies with the date they were filed. This is called a "file stamp." The original document will be filed with the Clerk. You should keep one copy for your records, and the other copy will need to be served on the other party if the Order to Show Cause is signed by the judge.

Where to File:

You will file your case only with the Clerk of District Court's Office where the order you are trying to enforce was filed. You'll usually find their office in the county courthouse or a branch of the courthouse.

File Your Documents:

1. Bring the original and two copies of the follow documents to the Clerk of District Court:

1. **Motion and Affidavit for Order to Show Cause**
2. **Order to Show Cause**

NOTE: There is not a cost to file these papers, but there is a cost to have the other party served with the documents.

Step 3: Serve the Other Party

After you file the **Motion and Affidavit for Order to Show Cause** and **Order to Show Cause** with the Clerk of District Court, the judge will review your request. If the judge signs the Order to Show Cause a file-stamped copy of the paperwork must be formally given to the other party. This is called serving the papers. The other party must be served with the **Motion and Affidavit for Order to Show Cause**, and the **Order to Show Cause**. This proves to the Court that the other party received the papers.

Service by Sheriff:

It's usually best to have a Sheriff in the county where the other party lives serve the papers. In Wyoming this service typically costs around \$50. Provide the Sheriff with the file-stamped **Motion and Affidavit for Order to Show Cause**, and the **Order to Show Cause**. The Sheriff will

complete a form called the "Return" or an "Affidavit of Service" and file the original with the Clerk. Either the Sheriff's office or the Clerk will give you a copy.

NOTE: If you receive the original return, call the Clerk's office to check if it has been filed. If it hasn't, you **MUST** file it with the Clerk yourself.

Proof of Service:

The Court needs to receive proof that the other party was properly served. This can be done in two ways: 1) either the Sheriff sends the original return directly to the Court, or 2) You file it yourself with the Clerk of Court.

Step 4: Attend Hearing

If the other party has been served and proof of service is on file with the Clerk's office, make sure to attend the scheduled hearing. Be sure to arrive on time and dress appropriately, as you would for a job interview. During the hearing, you will have the opportunity to present your case to the judge. The judge will then decide whether the other party has willfully failed to follow the prior court order and will make a decision on the motion.

NOTE: If you were unable to serve the other party in time for the hearing, follow Step 5 below.

Step 5: Dismissal

If you decide not to move forward with the Order to Show Cause action—whether because you cannot find the other party to serve them, the other party has corrected the issue that led to the contempt action, or for any other reason—you must file an **Order of Dismissal**.

If the other party has not been served with the **Order to Show Cause**, only your signature is required on the **Order of Dismissal**. However, if the other party has been served with the **Order to Show Cause**, both you and the other party must sign the **Order of Dismissal**.

Copies and Envelopes

Bring the original and two copies of the **Order of Dismissal** to file with the Clerk. Also, bring two addressed, stamped envelopes (one addressed to you, and one addressed to the other party), with enough postage to mail the **Order of Dismissal** to both of you. The Clerk will mail the Order to both parties once it has been signed by the Judge.

CHECKLIST FOR ORDER TO SHOW CAUSE

This checklist is for your convenience and is not a substitute for the detailed instructions. Please be sure to read the detailed instructions.

STEP 1: Getting Started

These forms are required if you believe the other party is willfully failing to obey a Court order. It is important to go through them and read the instructions carefully.

- **Motion and Affidavit for Order to Show Cause**
- **Order to Show Cause**

STEP 2: Filing Your Order to Show Cause

File your Order to Show cause in the District Court where the prior Court order that you are trying to enforce was entered. Bring an original and two copies of all forms with you when you file your Order to Show Cause. The Clerk will keep the original, you keep one copy, and the other copy is for serving the other party as described in **Step 3**.

- ☐ **Motion and Affidavit for Order to Show Cause**
- ☐ **Attach a copy of your prior Court order**
- ☐ **Order to Show Cause**

STEP 3: Serving the Other Party

- ☐ Contact the Sheriff's Department about serving the documents and pay the service fee.
- ☐ Defendant was personally served by the Sheriff:
 - ☐ File the original **Order to Show Cause** and the **Return or Affidavit of Service** (completed by the Sheriff) with the Court.

STEP 4: Attend Hearing

- ☐ Attend the hearing if the other party was served and proof is on file with the Court.

OR

STEP 5: Dismiss Action

- ☐ **Order of Dismissal.**

- ☐ If the other party was not served, the **Order of Dismissal** only needs to be signed by you.
- ☐ If the other party was served, then both parties must sign the **Order of Dismissal**.

Copies and Envelopes:

- ☐ Take an original and two copies of each form to the Clerk for filing.
- ☐ Take an envelope addressed to you with postage for the Clerk to mail a copy of the **Order of Dismissal** to you.
- ☐ Take an envelope addressed to the Defendant with postage for the Clerk to mail a copy of the **Order of Dismissal** to the other party.

STATE OF WYOMING)) ss COUNTY OF _____)	IN THE DISTRICT COURT _____ JUDICIAL DISTRICT
Plaintiff/Petitioner: _____) _____) Name of person listed as Plaintiff or) Petitioner on the Order being enforced) vs. _____) _____) Defendant/Respondent: _____) _____) Name of person listed as Defendant or) Respondent on the Order being enforced)	Case Number _____

MOTION AND AFFIDAVIT FOR ORDER TO SHOW CAUSE

The Movant being duly sworn upon oath deposes and says:

1. In this action I am the:

- ☐ Plaintiff or Petitioner.
☐ Defendant or Respondent.

2. An Order was issued on _____, 20__ regarding:

- ☐ Visitation
☐ Custody
☐ Child Support
☐ Other: _____

3. The Order that was signed by this Court ordered the other party to do the following:
(Briefly summarize the part of the Order that you claim has not been followed.)

4. This Order was violated by:

☐ Plaintiff/Petitioner.

☐ Defendant/Respondent.

5. The Order was violated in the following ways: (Be specific and identify exactly what the other party has done, or failed to do, that violated the Order.)

☐ I have attached additional pages.

6. There has not been a stay of execution or modification of the Order.
7. The other party has knowledge of the Order, has the ability to comply with the Order, and has intentionally and willfully disobeyed the Order.
8. The actions of the other party are contrary to the Order of this Court.
9. I request the Court issue an Order to require the other party to appear for a hearing to “show cause” (which means “explain”) why they should not be found in contempt of court for the failure or refusal to comply with the Order of this Court.
10. I request that the Court enforce the Order.
11. I also request that the Court: (Explain anything else you would like the Court to do.)

12. I request such other and further relief as the Court deems just and proper.

Being duly sworn and under penalty of perjury, I state that I have read the above information, and I believe the matters set forth are true and correct.

DATED _____, 20_____.

MOVANT

Printed Name:_____

Phone Number:_____

Home Address (Physical):_____

Mailing Address:_____

Email Address:_____

☐ A Wyoming Court Navigator helped with the completion of this form.

STATE OF WYOMING)
) ss
COUNTY OF _____)

SUBSCRIBED AND SWORN to before me this _____day of _____, 20____.

Witness my hand and official seal.

CLERK OF COURT/NOTARIAL OFFICER

My commission expires: _____

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

Plaintiff/Petitioner: _____)

Case Number _____

_____))
Name of person listed as Plaintiff or
Petitioner on the Order being enforced)

vs. _____)

_____))
Defendant/Respondent: _____)

_____))
Name of person listed as Defendant or
Respondent on the Order being enforced)

ORDER TO SHOW CAUSE AND APPEAR

To (name of the other party): _____

Address (home and work addresses of the other party):

This matter came before the Court upon Movant's Motion and Affidavit for Order to Show Cause, and the Court finds as follows:

Based on the records and proceedings in this matter, you are **ORDERED** to appear before this

Court, on the _____ day of _____, 20__ at _____ ☐ A.M. / ☐ P.M, to explain why you should not be found in civil and/or criminal contempt for violation of an Order of the Court as alleged in the Movant's Motion and Affidavit for Order to Show Cause.

The Movant alleges that you violated a Court Order about:

- ☐ Visitation
- ☐ Custody
- ☐ Child Support
- ☐ Other: _____

The Movant has asked the Court to enforce the Order and punish you for being in contempt. This hearing is when you will explain to the Court why you believe you have not violated the Order or, if you have violated the Order, why you should not be punished.

IT IS FURTHER ORDERED that a copy of this Order to Show Cause be served, together with a copy of the Movant's Motion and Affidavit for Order to Show Cause, upon the above-named individual, with return of service to this Court.

Important Notice

Your failure to appear after you have been served will not delay the hearing or entry of an Order that may provide for the relief sought by the Movant. You may be held in contempt of court and a bench warrant may be issued for your arrest.

DATED this _____ day of _____, 20_____.

JUDGE OR MAGISTRATE

STATE OF WYOMING) IN THE DISTRICT COURT
) ss
COUNTY OF _____) _____ JUDICIAL DISTRICT

Plaintiff/Petitioner:) Case Number _____
)
Name of person listed as Plaintiff or)
Petitioner on the Order being enforced)
vs.)
)
Defendant/Respondent:)
)
Name of person listed as Defendant or)
Respondent on the Order being enforced)

The rest of this document will be filled out by the Sheriff after the Order to Show Cause has been served.

RETURN OF SERVICE SHERIFF OR DEPUTY

STATE OF WYOMING)
) ss TO BE USED BY WYOMING SHERIFF, UNDER
COUNTY OF _____) SHERIFF, OR DEPUTY

TO THE SHERIFF OF _____ COUNTY

You are hereby COMMANDED to serve this Order to Show Cause along with a copy of the Motion and Affidavit for Order to Show Cause upon:

Name: _____

Location to serve:

a. Business Address: _____

b. Home Address: _____

I, _____, do hereby certify that I served the Order to Show Cause along with a copy of the Motion and Affidavit for Order to Show Cause on the person named above on the _____ day of _____, 20____, by serving upon that person as follows:

Service Fees: _____

Signature

Printed Name and Title

STATE OF WYOMING)
) ss
COUNTY OF _____)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.
Witness my hand and official seal.

NOTARIAL OFFICER

My commission expires: _____

STATE OF WYOMING)) ss COUNTY OF _____)	IN THE DISTRICT COURT _____ JUDICIAL DISTRICT
Plaintiff/Petitioner: _____) _____) Name of person listed as Plaintiff or) Petitioner on the Order being enforced) vs. _____) _____) Defendant/Respondent: _____) _____) Name of person listed as Defendant or) Respondent on the Order being enforced)	Case Number _____

ORDER OF DISMISSAL

This Matter having come before the Court pursuant to the following:

☐ The Movant has requested dismissal as evidenced by their signature below and Plaintiff/Petitioner has not been served;

OR

☐ The Movant has requested dismissal as evidenced by their signature below and Defendant/Respondent has not been served;

OR

☐ By mutual agreement of the parties, as indicated by both parties' signatures below.

The Court having reviewed the file and being otherwise fully advised; **FINDS** that the action for an Order to Show Cause should be dismissed.

IT IS ORDERED that the Order to Show Cause action be dismissed without prejudice and that the hearing, if any, be vacated.

DATED this _____ day of _____, 20_____.

JUDGE OR MAGISTRATE

Approved as to Form and Content:

Movant's Signature

Respondent's Signature (the other party's
signature if they were served)

Printed Name:_____

Printed Name:_____

Phone Number:_____

Phone Number:_____

Home Address (Physical):_____

Home Address (Physical):_____

Mailing Address:_____

Mailing Address:_____

Email Address:_____

Email Address:_____